



August 17, 2005

214 551

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Docket No. AB-33(Sub-No.232X), Union Pacific Railroad Company
- **Abandonment Exemption - - In Orange County, California,**
- **(Tustin Industrial Lead)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after September 7, 2005.

Sincerely,

Enclosures

ENTERED
Office of Proceedings

AUG 18 2005

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Public Record

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 232X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ORANGE COUNTY, CALIFORNIA
(TUSTIN INDUSTRIAL LEAD)

214551

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Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: August 17, 2005
Filed: August 18, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 232X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ORANGE COUNTY, CALIFORNIA
(TUSTIN INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Tustin Industrial Lead from M. P. 514.84 to M. P. 516.10 and from M. P. 514.70 to M. P. 514.90, for a total distance of 1.46 miles in Orange County, California (the "Line").

The Line traverses U. S. Postal Service Zip Code 92867. A Notice of Exemption to abandon the Lines pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after September 1, 2005.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**, and is attached hereto and hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment of the Tustin Industrial Lead from M. P. 514.84 to M. P. 516.10 and from M. P. 514.70 to M. P. 514.90, for a total distance of 1.46 miles in Orange County, California (the "Line").

The west-east portion of the Line, milepost 514.7 to milepost 514.9, was built in 1888 by the Southern Pacific Railroad and is laid with 90-pound rail. The north-south portion of the Line, from milepost 514.84 to milepost 516.1, was constructed by the Pacific Electric in 1917 and the current rail weight is unknown.

After abandonment, rail service will still be available on the balance of the UP Tustin line and from BNSF, which provides freight service on the Metrolink line that runs immediately parallel to the north-south portion of the abandonment. Orange, lying within the Los Angeles metropolitan area, is served by numerous major streets and highways such as State Highway 55, the Costa Mesa Freeway, a north-south route; and State Highway 22, the Garden Grove Freeway, an east-west route.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line. Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way.

A map of the Line is attached hereto as **Attachment No. 1.**

(2) **Transportation System.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

(3) **Land Use.**(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. The Orange County Supervisors' Office has been contacted. To date UP has received no response.

(ii) The Natural Resource Conservation Service has been contacted. To date UP has received no response.

(iii) Not Applicable.

(iv) The property proposed for abandonment is not suitable for public purposes such as roads, highways, or other forms of mass transportation, conservation, energy production or transmission, or recreation because there is a fully

developed grid of public streets surrounding the right-of-way and no additional streets are needed. Additionally, there is currently an active railroad providing both freight and passenger service adjacent to UP's right-of-way that satisfies the need for public rail transportation in the immediate vicinity. Both the City of Orange and the Southern California Railroad Administration are aware of UP's proposed abandonment and neither has expressed an interest in acquiring all or any portion of the line.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§(5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted.

To date UP has received no response.

(ii) The National Park Service has been contacted. To date UP has received no response.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The California Environmental Protection Agency has been contacted. To date, UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. The Corps of Engineers response states they are unable to determine whether or not the proposed abandonment would affect jurisdictional areas. The Corps response states that "A Corps of Engineers permit is required for the discharge of dredged or fill material into, including any redeposit of dredged material within, 'waters of the United States' and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972", and the response provided examples. UP does not feel the proposed abandonment will result in any activities which require a permit; however, UP will maintain coordination

with the Corps of Engineers. The Corps of Engineers response is attached as **Attachment No. 3**, and is hereby made part hereof.

(iii) It is not anticipated that there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1**.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The right-of-way is generally 40 to 50 feet wide and is level throughout the entire length of the abandonment. It is surrounded by commercial and light-industrial properties in a fully urbanized area in the City of Orange. A Southern California Railroad Administration (formerly ATSF) right-of-way runs adjacent to the UP right-of-way. The right-of-way proposed for abandonment crosses three city streets, each of which is four to six lanes wide.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: There are no structures over fifty (50) years in age affected by the proposed abandonment.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See UP's response to question (1) in the environmental Report for a brief history and description. The Line has been out of service since 2000.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not Applicable.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources in the project area. The California Office of Historic Preservation has been contacted. To date, UP has received no response.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

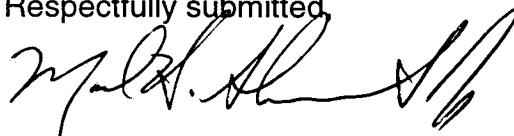
Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 17th day of August, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 232X), the Tustin Industrial Lead in Orange County, California was served by first class mail on the 17th day of August 2005 on the following:

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

Orange County Supervisors
10 Civic Center Plaza
Hall of Administration
Santa Ana, CA 92701-4017

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Los Angeles District
P. O. Box 532711
Los Angeles, CA 90053-2325

National Park Service:

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

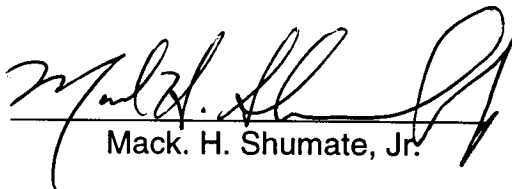
State Historic Preservation Office:

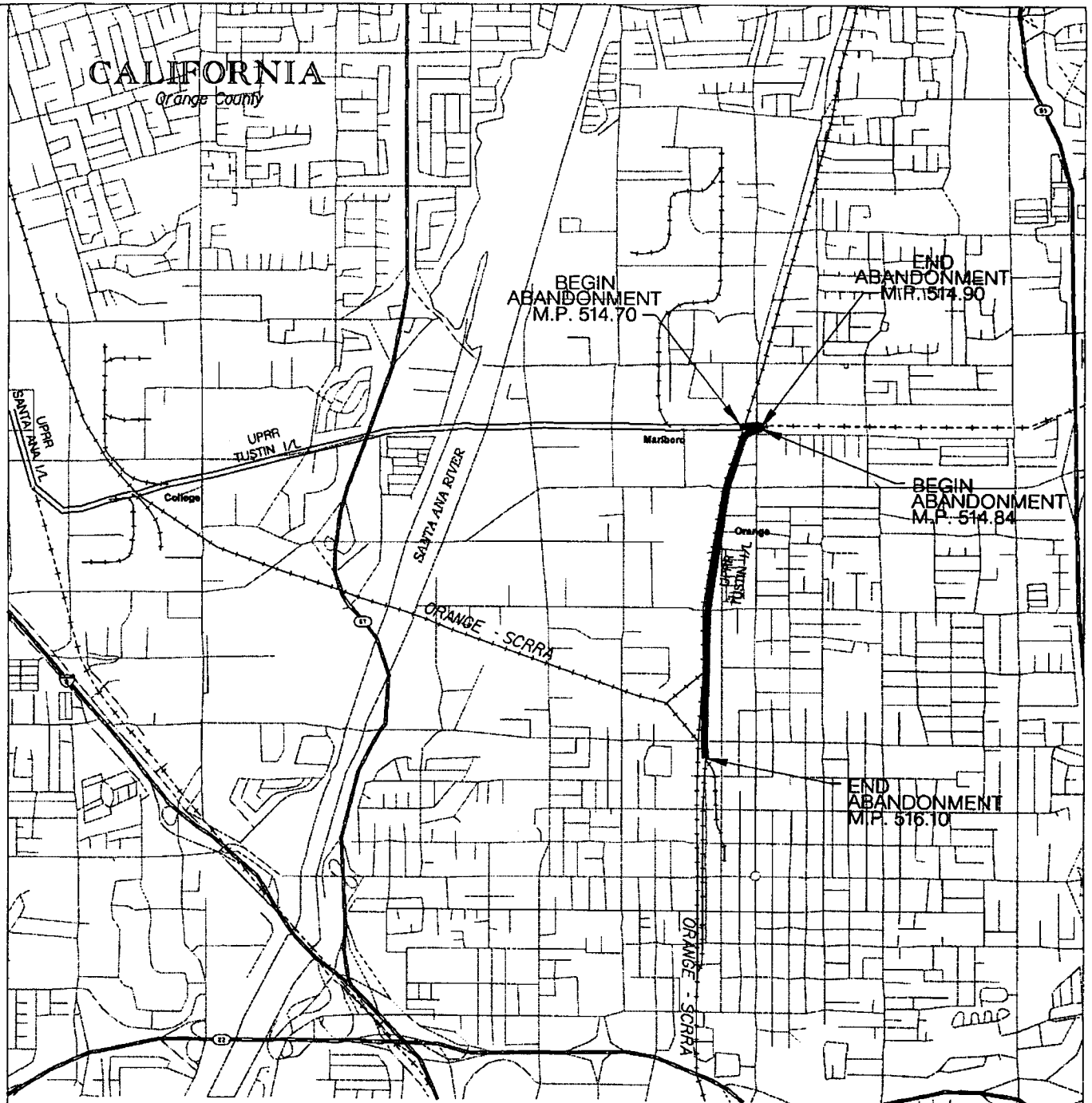
California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Mr. Ron Mathieu
Southern California Regional Rail Authority
700 S. Flower St., Suite 2600
Los Angeles, CA 90017

Mr. Tom Mahood
City of Orange
300 E. Chapman Avenue
Orange, CA 92866

Dated this 17th day of August, 2005.


Mack. H. Shumate, Jr.



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

TUSTIN INDUSTRIAL LEAD

MP 514.70 TO MP 514.90

MP 514.84 TO MP 516.10

TOTAL OF 1.46 MILES

IN ORANGE COUNTY, CALIFORNIA = 1.46 MILES

UNION PACIFIC RAILROAD CO.
TUSTIN INDUSTRIAL LEAD
CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: q:\abandonments\ab0354_tustin.dgn

DATE: 25-Apr-05 10:06



(402) 501-0127 (FAX)

April 27, 2005

State Clearinghouse (or alternate):

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**State Coastal Zone Management Agency
(if applicable):**

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Head of each County:

Orange County Supervisors
10 Civic Center Plaza
Hall of Administration
Santa Ana, CA 92701-4017

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Los Angeles District
P. O. Box 532711
Los Angeles, CA 90053-2325

National Park Service:

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

California Department of Parks and Recreation
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Re: Proposed Abandonment of the Tustin Industrial Lead from M. P. 514.84 to M. P. 516.10 and from M. P. 514.70 to M. P. 514.90, a total distance of 1.46 miles in Orange County, California; STB Docket No. AB-33 (Sub-No. 232X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Tustin Industrial Lead from M. P. 514.84 to M. P. 516.10 and from M. P. 514.70 to M. P. 514.90, a total distance of 1.46 miles in Orange County, California. A map of the proposed track abandonment shown in black is attached.

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fx. (402) 501-0127

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

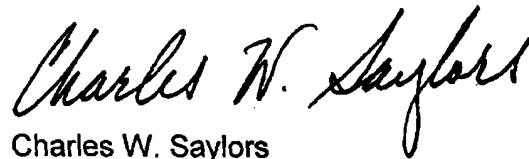
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

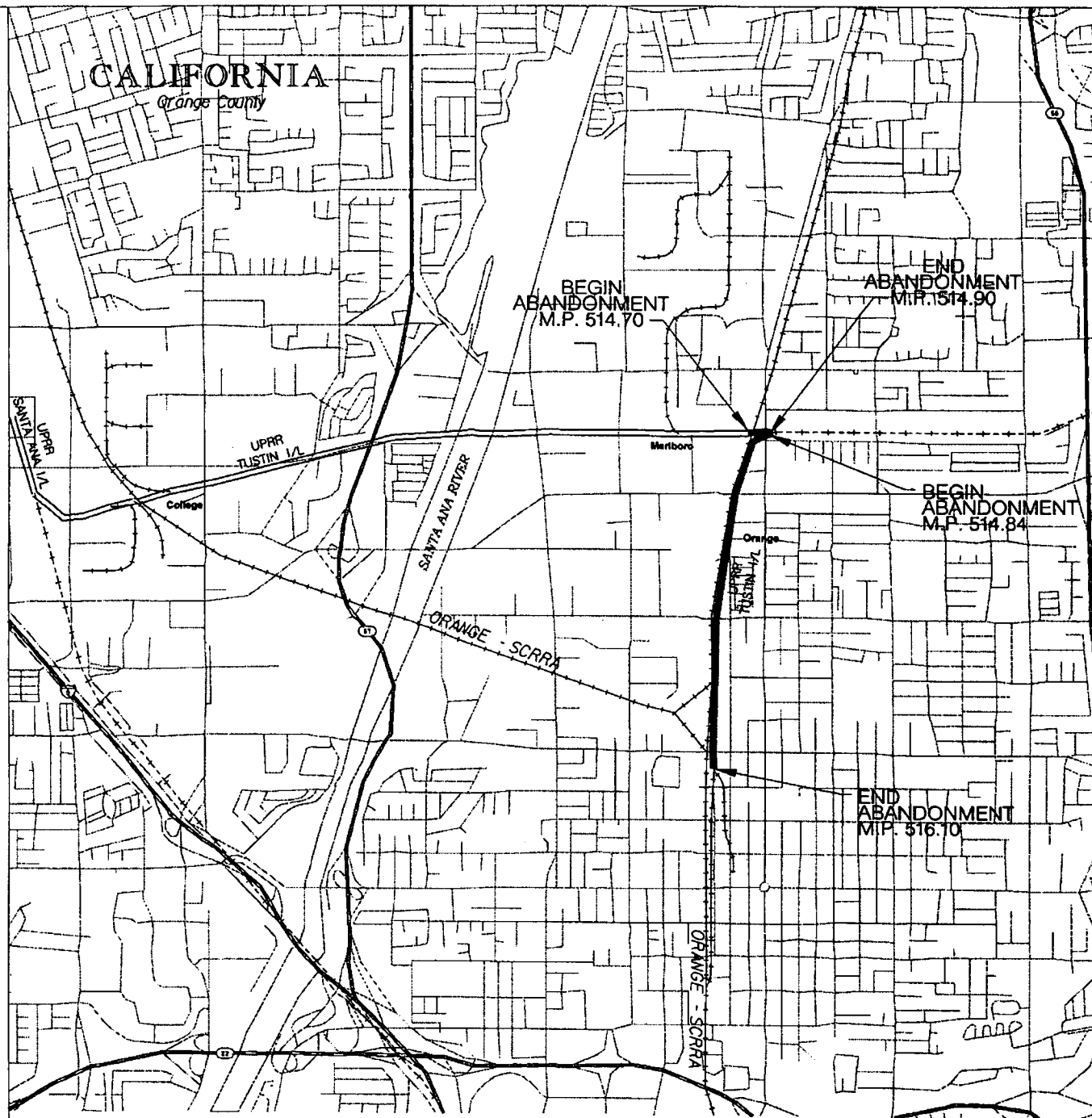
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,



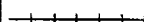
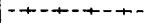




Charles W. Saylor

Attachment



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

TUSTIN INDUSTRIAL LEAD

MP 514.70 TO MP 514.90

MP 514.84 TO MP 516.10

TOTAL OF 1.46 MILES

IN ORANGE COUNTY, CALIFORNIA = 1.46 MILES

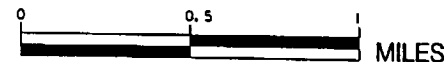
UNION PACIFIC RAILROAD CO.

TUSTIN INDUSTRIAL LEAD

CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE



MILES

FILE: q:\abandonments\ab0354_tustIn.dgn

DATE: 25-Apr-05 10:06



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
PO BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

May 11, 2005

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Branch

Union Pacific Railroad
Attention: Charles W. Saylor
1400 Douglas Street
MS-1580
Omaha, Nebraska 68179

Dear Mr. Saylor:

This is in response to your letter, dated April 27, 2005 concerning Union Pacific Railroad's plans to abandon and discontinue service on the Tustin Industrial Lead from M.P. 514.84 to M.P. 516.10 and from M.P. 514.70 to M.P. 514.90 in Tustin, Orange County, California. This activity may or may not require a U.S. Army Corps of Engineers permit. From the information provided in the letter, we are unable to determine whether any jurisdictional areas would be affected by the project.

A Corps of Engineers permit is required for the discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to the following activities:

1. Creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
2. Mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;
3. Allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;
4. Placing pilings when such placement has or would have the effect of a discharge of fill material.

Enclosed you will find a permit application form and a pamphlet that describes our regulatory program. If you have any questions, please contact me at (213) 452-3296. Please refer to this letter and 200501310-CJF in your reply.

Sincerely,

A handwritten signature in black ink, reading "Corice J. Farrar". The signature is written in a cursive style with a large, sweeping "C" and a long, horizontal flourish at the end.

Corice J. Farrar
Project Manager

Enclosures